

# MINTZ LEVIN

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June 5, 2017

Via ECF

Honorable Kiyo A. Matsumoto  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East Brooklyn  
New York 11201  
Chambers: Room S905  
Courtroom: N6G

Re: Katz v. Metropolitan Transportation Authority, No. 1:17-cv-00472-KAM-RLM  
(filed January 31, 2017)

Dear Judge Matsumoto:

Pursuant to Section IV.C.1(c) of this Court's Chambers Practices and in support of its Motion to Dismiss, Defendant Metropolitan Transportation Authority ("MTA") submits this letter confirming that the following documents are being filed as its Motion to Dismiss package:

- Notice of Defendant Metropolitan Transportation Authority's Motion to Dismiss;<sup>1</sup>
- Memorandum of Law in Support of Defendant Metropolitan Transportation Authority's Motion to Dismiss;
- Request for Judicial Notice in Support of Defendant Metropolitan Transportation Authority's Motion to Dismiss;
- Declaration of Esteban Morales in Support of Request for Judicial Notice and Exhibit 1; and
- Reply Memorandum of Law in Further Support of Defendant Metropolitan Transportation Authority's Motion to Dismiss

In accordance with this Court's March 16, 2017 Order and Section IV.C.1 of this Court's Chambers Practices, the MTA served its Notice of Motion, Memorandum of Law, Request for Judicial Notice and accompanying Declaration of Esteban Morales on Plaintiff on April 14, 2017, and its Reply brief on June 5, 2017.

Pursuant to Section IV.E. of this Court's Chambers Practices, the MTA respectfully requests oral argument before Your Honor regarding the MTA's Motion to Dismiss. Due to a pre-planned vacation, if the Court determines that oral argument shall be heard, the MTA respectfully requests that oral argument not be scheduled between June 30<sup>th</sup> and July 12<sup>th</sup>.

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<sup>1</sup> In accordance with Section IV.C.1(c) of the Court's Chambers Practices, the MTA amended the caption of its Notice of Motion to clarify that the return date will be set by the Court. This correction has been communicated to opposing counsel.

**Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.**

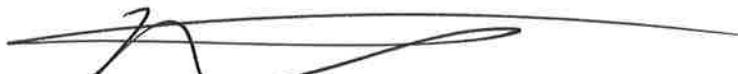
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Respectfully Submitted,



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